

Application Number 10/756,960
Amendment in response to Office Action mailed January 10, 2008

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REMARKS

This Amendment is responsive to the Office Action dated January 10, 2008. Applicant has amended claims 1-3, 7, 17-19, 23, 24, 33, 35, 40, 42-44, 46-48, 50, 53 and 54. Claims 1-55 remain pending upon entry of this Amendment.

Claim Objections

In the Office Action, the Examiner objected to claim 24 for improper antecedent basis because the claim recites the term "the control unit" though "control unit" is not recited in claim 1 on which claim 24 depends. Claim 24 erroneously references claim 1. Applicant thanks the Examiner for identifying this error, and has amended claim 24 to depend upon claim 17, which recites "a control unit." Applicant respectfully requests withdrawal of the objection to claim 24 in view of the amendment.

Rejection for Obviousness-type Double Patenting

The Examiner provisionally rejected claims 1, 17, 33, 40, 46 and 53 under the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claim 41 of copending Application No. 10/223,813 and claim 1 of copending Application No. 10/339,719. Applicants note the provisional status of this rejection. Accordingly, Applicants will address this issue if and when the rejection is formally applied.

Claim Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 35, 42, 48 and 54 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant traverses the rejection of claims 35, 42, 48 and 54 under 35 U.S.C. § 112, second paragraph.

With respect to claims 35, 42, and 54, Applicant respectfully submits that the Examiner's rejection is based on a failure to distinguish the *failsafe* attribute and *override* attribute. Applicant has amended claims 35, 42 and 54 to further clarify the functions attributed to the *failsafe* attribute and the *override* attribute. As recited in claims 35, 42 and 54, as amended, "the *failsafe* attribute causes a rollback command to undo changes made when the archived

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configuration data replaced the locked candidate configuration data in response to failure of the session prior to issuing the commit command." In contrast to the *failsafe* attribute and its corresponding rollback command, it is the *override* attribute of the load command that "causes discarding of the candidate configuration data and replacement of the discarded candidate configuration with the archived configuration data." Thus, the Examiner's interpretation that "a rollback [involves] replacing the candidate configuration with [the] archived configuration..." is in error. Therefore, rejected claims 35, 42, and 54, as amended, particularly point out and distinctly claims the subject matter which Applicant regards as the invention as required under 35 U.S.C. § 112, second paragraph.

Rejected claim 48 does not comprise the *override* attribute. Applicant submits that the Examiner's rejection of this claim is based on a misreading of the purpose of the rollback command recited therein. According to claim 48, a rollback command is used to "undo changes made in replacing the locked candidate configuration data with the archived configuration data...." A rollback command may, for example, undo the changes by replacing the locked candidate configuration data with a new copy of the operational configuration.¹ This is contrary to the Examiner's statement that "a rollback [involves] replacing the candidate configuration with [the] archived configuration...." Independent claim 53, cited as contradicting the objected claim 48, recites "a load command to load archived configuration data to replace the locked candidate configuration data." This refers to the load command rather than the rollback command. Therefore, rejected claim 48 is not inconsistent with the independent claims, such as claim 53. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 48 under 35 U.S.C. § 112.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-3, 7-9, 12-15, 17-19, 22-25, 28-31, 33-34, 36-41, 43-46, 49, 50, 52, 53 and 55 under 35 U.S.C. § 102(b) as being anticipated by Tanner et al. (US 2005/0114315, hereinafter "Tanner"). Applicant respectfully traverses the rejection, to the extent such rejection may be applicable to the claims as amended. Tanner fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. § 102(b),

¹ See paragraph [0005] of the present application

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and provides no teaching that would have suggested the desirability of modification to include such features.

Applicant has amended claim 1 to recite locking candidate configuration data in response to a command from a client to grant an archive system exclusive access to the candidate configuration data of a network device and lock the candidate configuration data so that no other clients can edit the candidate configuration data. Claim 1 requires that the candidate configuration data represents an editable working copy of current operational configuration data of the network device. Claim 1 also recites loading, from the archive system, archived configuration data that represents previous operational configuration data of the network device to replace the locked candidate configuration data. Additionally, claim 1 recites committing the candidate configuration data to restore the archived configuration data as the operational configuration data of the network device.

Support for the amendment to claim 1 can be found throughout the present application including, for example, in paragraphs [0035] and [0037] of Applicant's specification. Applicant's specification describes an archive system storing an operational configuration of network device, i.e., a configuration currently in use by the network device, for use at a later time.² In particular, the archived configuration data may be restored to re-configure network device to the operational configuration that existed at the time the archived configuration data was generated. In other words, the archived configuration data represents previous operational configuration data of the network device.

With respect to Applicant's claim 1, for example, the Examiner characterized paragraphs [0058] and [0059] of Tanner as disclosing all the features of Applicant's claim. Applicant respectfully disagrees with the Examiner's characterization of Tanner, to the extent such characterization applies to the claims as amended. Tanner describes an approach for managing network device configuration data.³ In particular, Tanner describes a client obtaining a lock on the configuration data or portion of the configuration data (e.g., functional area).⁴ The client that obtained the lock edits the locked configuration data to generate updated configuration data.⁵

² Applicant's specification at [0035].

³ Tanner at Abstract.

⁴ Tanner at [0038].

⁵ Tanner at [0046].

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The updated configuration data of Tanner is provided to a network device, which implements the updated configuration data and begins to operate in accordance with the updated configuration data.⁶ As described in detail below, the configuration techniques described in Tanner are substantially different than the Applicant's invention as claimed.

Tanner fails to disclose locking candidate configuration data in response to a command from a client to grant an archive system exclusive access to the candidate configuration data of a network device and lock the candidate configuration data so that no other clients can edit the candidate configuration data, as recited in Applicant's claim 1. As described above, Tanner describes a client obtaining a lock on the configuration data. In fact, Tanner fails to disclose an archive system that stores previous operational configuration data of the network device.

Tanner also fails to disclose loading, from the archive system, archived configuration data that represents previous operational configuration data of the network device to replace the locked candidate configuration data. To the contrary, Tanner describes a client manually editing the configuration data.⁷ The updated configuration in Tanner, which the Examiner characterized as archived configuration data, is nothing more than configuration data recently edited by the client. This is different than Applicant's claim 1, as amended, which recites that the archived configuration data represents previous operational configuration data of the network device. The edited configuration data of Tanner does not represent previous operational configuration data of the network device. To the contrary, the edited configuration data represents future operational configuration data of the network device, i.e., the operational configuration of the network router after the edited configuration data is committed. As such, the Examiner has not provided any evidence that discloses or suggests an archive system obtaining exclusive access to editable candidate configuration data of a network device and using that editable candidate configuration data as a means for restoring archived configuration data as the operational configuration data of the network device.

For at least some of the reasons set forth above with respect to claim 1, Tanner fails to disclose the features of independent claims 17, 33, 40, 46, and 53, as amended. Therefore, the Examiner has failed to establish a prima facie case for anticipation of Applicant's claims 1-3, 7-

⁶ Tanner at [0046].

⁷ Tanner at [0046] and [0058].

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9, 12-15, 17-19, 22-25, 28-31, 33-34, 36-41, 43-46, 49, 50, 52, 53 and 55 under 35 U.S.C.

§102(b). Applicant respectfully request withdrawal of this rejection.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 4, 5, 10, 11, 20, 21, 26, 27, 35, 42, 47, 48, 51 and 54 under 35 U.S.C. § 103(a) as being unpatentable over Tanner in view of Visser (US 7,307,979) and rejected claims 16 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Tanner in view of Slaby (US 6,587,124). Applicant respectfully traverses the rejections. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

For at least the reasons described above with respect to claim 1, Tanner fails to teach or suggest the requirements of dependent claims 4, 5, 10, 11, 16, 20, 21, 26, 27, 32, 35, 42, 47, 48, 51 and 54. Visser and Slaby fail to overcome the deficiencies of Tanner described above. Moreover, the references of record, alone or in combination, fail to teach or suggest a number of the features of the dependent claims.

Applicant's claim 4, for example, recites a lock command comprising a failsafe attribute that, when enabled, initiates an action in response to failure of the session. In support of the rejection of claim 4, the Examiner relied on Tanner in view of Visser. Visser describes generating a rollback script based on the differences between prior control settings and the current control settings.⁸ Visser executes the rollback script to roll back the configuration of the network router to a previous configuration in response to a rollback command entered by a user.⁹ This is different than the requirements of Applicant's claim 4, which recites that the failsafe attribute associated with the lock command, when enabled, initiates an action in response to failure of the session. Thus, Applicant's claim 4 requires that the action (e.g., the rollback) initiate in response to failure of the session. To the contrary, Visser describes the rollback operation initiates in response to a rollback command input by a user. The rollback operation is therefore not a consequence of a failure of the session, as required by claim 4. The Examiner has

⁸ Visser at col. 2, lines 39-49.

⁹ Visser at col. 2, lines 8-17.

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pointed to no evidence in any of the references of record, either singularly or in combination, that disclose either a failsafe attribute or an action in response to failure of the session.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 4, 5, 10, 11, 16, 20, 21, 26, 27, 32, 35, 42, 47, 48, 51 and 54 under 35 U.S.C. § 103(a). Applicant respectfully request withdrawal of these rejections.

CONCLUSION


In the foregoing remarks, Applicant has focused on the requirements of the independent claims for purposes of conciseness. In so doing, Applicant in no way admits or acquiesces in the propriety of the Office Action in regard to interpretation of the prior art or any of the additional limitations set forth in the various claims, including the limitations of the dependent claims. All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

April 10, 2008

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